REMARKS

Since the Office Action is final, it is accompanied by a request for continued examination (RCE) together with the required fee.

Comments on "Response to Arguments"

The rejection in view of Onofrio as a base reference, of claim 34 under Section 103, is indicated as being withdrawn for a reason that differs from Applicants' arguments. Applicants appreciate the withdrawal of the rejection but point out for the record that the reason given by the Examiner does not in fact differ from that given by Applicants.

Adjusting the length and adjusting the tightness are both accomplished by the same action, i.e., turning a threaded rod in a threaded hole. Therefore, any reason that it would not be obvious to use a cable in place of a threaded rod/threaded hole applies equally to either function.

In this case, the Examiner apparently agrees with Applicants' argument that a cable cannot be substituted for a threaded rod because a cable cannot be threaded.

On the other hand, the Examiner states that he disagrees with Applicants' argument that a flexible cable would be understood by a person of ordinary skill to be an undesirable substitution for a rigid rod for the purpose of transmitting a torsional force, such as required in Onofrio for tightening the device. Since Applicants' point seems beyond dispute as a factual matter, they respectfully request clarification of the Examiner's reasons for disagreement.

Section 103 Rejections

Claim 34 continues to stand rejected under 35 U.S.C. §103(a) as being an obvious modification of Temple et al., U.S. Patent No. 3,332,118 in view of various references, including Onofrio, U.S. Patent No.5,702,218. Applicant had, however, amended claim 34 to provide additional detail regarding the hole plug.

In that regard, the Office Action states: "Onofrio teaches . . . a hole plug (16') . . . . [that] has a 'substantially' cylindrical hole plugging portion circumferentially engaging the hole."

It is respectfully submitted that this assertion *prima facie* incorrect; further, Onofrio teaches against a hole plug as claimed.

The Office Action refers to the "self-centering washer 16'," which is shown in Figure 2. Inspection of Figure 2 shows that the portion of this washer that fits into the hole (corresponding to the claimed "hole plugging portion") is frustoconical. Moreover, it is quite frustoconical--as shown it is tapered about 45 degrees. As shown, it is not at all close to being cylindrical.

Moreover, it is not close to being cylindrical for a good reason, which is that the washer 16' is intended to be "self-centering." A perfect cylinder is incapable of self-centering, and so it follows literally that a "substantially cylindrical" hole plug would be at least "substantially incapable" of self-centering. It therefore follows that providing a "substantially cylindrical" hole plugging portion as claimed is contrary to the teachings of Onofrio.

To provide the self-centering function, the frustoconical side of the washer 16' must engage the cylindrical hole at the circular edge thereof, i.e., it cannot engage the interior, cylindrical surface. It is noted in this regard that claim 34 as previously amended recited merely that the hole plugging portion circumferentially engages the hole. To eliminate the ambiguity

that the hole could be engaged at its edge, claim 34 is amended to clarify that the hole plugging portion circumferentially engages the cylindrical surface of the hole.

Section 102(b) Rejection of Claim 58

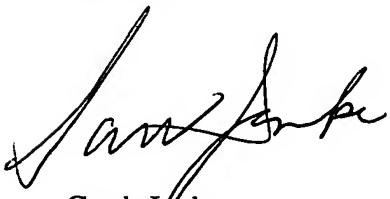
Claim 58 is rejected under 35 U.S.C. §102(b) as being anticipated by Learnihan, U.S. Patent No. 1,577,133. It is alleged that the "flexible supporting member 13 (which is clearly a string as the device is a plumb bob)" corresponds to the claimed handle member.

Claim 58 is voluntarily amended; however, it is respectfully submitted that claim 58 as previously presented distinguished over Learnihan. In particular, claim 58 as previously presented required "pushing" on the handle member to unlock the toggle bar, and it should be readily apparent that pushing on a string would not transmit any force to the "supporting members 6 and 7," and therefore could not cause those members to move.

It should also be pointed out that pulling on the string 13, with a force beyond that required to compress the spring 12, will pull the support mechanism back through the hole, even though the support members 6 and 7 are in what is referred to in claim 58 as previously presented as the "open" position. Claim 58 is amended to clarify in this regard that in such position the toggle bar cannot be pulled back through the hole.

It is a vital distinction over Learnihan that a safety toggle bolt such as that claimed will not fold up and come out of the hole merely by pulling on it.

Respectfully submitted,



Garth Janke
Registration No. 40,662
(503) 224-2180